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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
Michael R. Schramm

Serial No.: 09/867,320

Filed: May 29, 2001

For: Fluid Powered Bubble Machine  
With Spill-Proof Capability

§  
§  
§ Group Art Unit 3751  
§  
§ Examiner: Steven O.  
§ Douglas  
§  
§  
§

**NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

**FIRST CLASS MAIL MAILING LABEL**  
**DATE OF DEPOSIT: 12 November 2004**  
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Michael R. Schramm November 12, 2004  
Applicant Date  
*Michael R. Schramm*  
Signature

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated October 1, 2004 of the examiner finally rejecting claims 36 – 41 of the captioned application. Applicant requests that Applicant's appeal of February 12, 2004 be reinstated and that Applicant's Notice of Appeal fee transmitted February 12, 2004 be applied to Applicant's current Notice of Appeal fee. In the event that such previously transmitted fee is not found acceptable for Applicant's current Notice of Appeal fee, Applicant requests that the appeal fee in the amount of \$170 for a small entity pursuant to 37 CFR S 1.17(b) via credit card payment form PTO-2038 submitted herewith be accepted.

DATE: November 12, 2004  
11/17/2004 WASFAW1 00000022 09867320

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Respectfully submitted,

*Michael R. Schramm*  
Michael R. Schramm